

of, or addicted to the use of, a dangerous drug, so as to be subject to the provisions of 46 U.S.C. 7704.

(b) In order to promote full disclosure and facilitate determinations as to the cause of marine casualties, no admission made by a person during an investigation under this part or part 4 of this title may be used against that person in a proceeding under this part, except for impeachment.

§ 5.103 Powers of investigating officer.

During an investigation, the investigating officer may administer oaths, issue subpoenas in accordance with subpart F of this title, and require persons having knowledge of the subject matter of the investigation to answer questions.

§ 5.105 Course of action available.

During an investigation, the investigating officer may take appropriate action as follows:

- (a) Prefer charges.
- (b) Accept voluntary surrender of a license, certificate or document.
- (c) Accept voluntary deposit of a license, certificate or document.
- (d) Refer the case to others for further action. The investigating officer may refer the case to the Commandant or to an Officer in Charge, Marine Inspection, at any port for completion of administrative action if an adequate basis for action is found and the person under investigation and/or witnesses are not locally available.
- (e) Give a written warning. The investigating officer may give a warning to any person holding a license, certificate or document. Refusal to accept the written warning will normally result in a withdrawal of the warning and the referral of charges. An unrejected warning will become a part of the person's record.
- (f) Close the case.

§ 5.107 Preparation and service of charges and specifications.

- (a) When preferring charges, the investigating officer prepares charges and specifications, together with a notice of the time, date and place of the hearing.
- (b) The original of the charges and specifications and the notice of the

time, date and place of hearing are served upon the respondent, either by personal service or certified mail, return receipt requested; restricted delivery (receipt to be signed by the addressee only).

(c) Service will be made sufficiently in advance of the time set for the hearing so as to give the respondent a reasonable opportunity to prepare a defense.

(d) At the time of service, whether personal or by certified mail, the respondent will also be advised with respect to:

- (1) The nature of suspension and revocation proceedings and the possible results thereof;
- (2) The right to have representation by counsel at the hearing, and that counsel may be, but need not be, a lawyer;
- (3) The right to have witnesses, records or other evidence subpoenaed and that
- (4) Failure to appear at the time, date and place specified may result in the hearing being in his absence.
- (e) If the alleged act involves mental incompetence, it is recommended to the respondent, at the time of service of charges, that he procure counsel.
- (f) If the alleged act involves mental or physical incompetence, the respondent is advised that evidence of medical examination may be submitted.

Subpart E—Deposit or Surrender of License, Certificate or Document

§ 5.201 Voluntary deposits in event of mental or physical incompetence.

- (a) A holder may deposit a license, certificate, or document with the Coast Guard in any case where there is evidence of mental or physical incompetence. A voluntary deposit is accepted on the basis of a written agreement, the original of which will be given to the holder, which specifies the conditions upon which the Coast Guard will return the license, certificate, or document to the holder.
- (b) Where the mental or physical incompetence of a holder of a license, certificate, or document is caused by use of or addiction to dangerous drugs,